

Chairman Vap called the regularly scheduled meeting to order at 10:01 a.m. with Commissioners Boyle, Rod Johnson, Landis and Vap present and Commissioner Lowell Johnson excused.

#### GENERAL ADMINISTRATION

Notice was duly published January 25, 2005, on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held February 1, 2005 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Wednesday, February 2, 2005:

- 9:30 Combined Video Hearing. Commission Library, Lincoln, and Nebraska State Office Building, 1313 Farnam Street, Room 207, Omaha. Commissioner Boyle presiding as Hearing Officer.
- B-1577 In the Matter of Laidback Limousine, Inc., Omaha, seeking to extend its authority on the transportation of passengers and their baggage by limousine between points in Douglas, Sarpy, and Lancaster counties over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized.
- B-1618 In the Matter of Royal Limousine, Omaha, seeking to extend its authority in the transportation of passengers and their baggage by limousine between points in Dodge and Saunders counties, between points within said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes.

#### COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of the complaints received in the preceding month.

- FC-1320 In the Matter of Action Communications, Inc., Scottsbluff, vs. Qwest Corporation, Denver, Colorado, alleging numerous billing errors, delays, and failure to process transfer requests in an acceptable time frame. Commissioner Jerry Vap presiding as Hearing Officer: Gene Hand informed the Commission that a Hearing Officer order was entered scheduling a hearing for May 10, 2005, at 2:00 p.m. in the Commission Hearing Room, Lincoln.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2861/  
DC-62        In the Matter of Maurice Gene Hand, Director, Communica-  
              tions Department, Complainant, vs. Advantage Telecommuni-  
              cations, Corp., Maitland, Florida, seeking an order for a  
Petition to Show Cause: Motion made by Commissioner Rod Johnson,  
seconded by Commissioner Frank Landis, to enter an order granting the  
application. Motion passed with Commissioners Anne Boyle, Rod John-  
son, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell  
Johnson Excused Not Voting.

C-3320       In the Matter of AccessLine Communications Corporation,  
              Bellevue, Washington, seeking authority to operate as a  
resale common carrier of telecommunications services within the State  
of Nebraska: Motion made by Commissioner Anne Boyle, seconded by  
Commissioner Rod Johnson, to enter an order granting the application.  
Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank  
Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused  
Not Voting.

C-3277/  
PI-88        In the Matter of the Commission, on its own motion, seeking  
              a request by the United Way of the Midlands for the use of  
              211 as a dialing code for the First Call for Help Services  
for Dakota County: Motion made by Commissioner Frank Landis, seconded  
by Commissioner Anne Boyle, to enter an order granting the applica-  
tion. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank  
Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused  
Not Voting.

C-3206       In the Matter of the Commission, on its own motion, seeking  
              an order to approve the grant agreement and forms for the  
Nebraska Internet Enhancement Fund: Motion made by Commissioner Anne  
Boyle, seconded by Commissioner Frank Landis, to enter an order grant-  
ing the application. Motion passed with Commissioners Anne Boyle, Rod  
Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell  
Johnson Excused Not Voting.

Gene Hand reported on his January 31, 2005, telephone  
conversation with L.J. Godfrey, AT&T Vice President, Government  
Affairs, for the Western Region. Mr. Godfrey confirmed that AT&T has  
accepted an acquisition offer from Southwestern Bell Company and soon  
will begin the regulatory approval process.

Gene Hand reported that the Communications Department has  
been developing a means for public electronic access to approved  
interconnection agreements. A demonstration on the method of  
accessing the agreements will be part of the agenda on Tuesday,  
February 8, 2005.

UNIVERSAL SERVICE FUND

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order scheduling the following dockets for hearing on March 8, 2005, at 1:00 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting. Commissioner Vap presiding as Hearing Officer:

NUSF-37.14 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainant, vs. Trans-Communications, Inc.

NUSF-37.20 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainant, vs. WebLink Wireless, LP.

NUSF-37.23 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainant, vs. Inter-Tel NetSolutions, Inc.

NUSF-37.34 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainant, vs. CTC Communications, Corporation.

NUSF-37.38 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainant, vs. NUI Telecom, Inc.

NUSF-37.39 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainant, vs. World-xChange Corporation, dba Acceris Communications.

NUSF-37.50 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainant, vs. Teledias Communications, Inc.

Jeff Pursley discussed the Late-Filed Carrier Remittances: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to levy late fees against GE Business Productivity Solutions and LCR Telecommunications, LLC. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting.

NUSF-40 In the Matter of the Commission, on its own motion, seeking to determine the extent to which Voice Over Internet Protocol services should be subject to Nebraska Universal Service Fund requirements. Commissioner Landis presiding as Hearing Officer: Jeff Pursley informed the Commission of a Hearing Officer's Order scheduling a due date for post-hearing briefs of February 11, 2005.

UNIVERSAL SERVICE FUND DEPARTMENT (Cont.)

Jeff Pursley informed the Commission that the Federal Communications Commission (FCC) has released an Order requiring States to implement Lifeline/Link-up changes by June 22, 2005. Mr. Pursley reported that the Nebraska Telephone Assistance Program (NTAP), previously known as Lifeline/Link-up, was in the process of making the required changes.

NATURAL GAS DEPARTMENT

NG-0007 In the Matter of the Tariff for natural gas service available in the entire territory served by Aquila, Inc., d/b/a Aquila Networks - Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to grant a protective order. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting.

FC-1319 In the Matter of Kinder Morgan, Inc., Lakewood Colorado, vs. City of Hastings, Hastings, alleging installation of duplicative and redundant natural gas piping and services in the City of Hastings and its environs. Commissioner Rod Johnson presiding as Hearing Officer: Laura Demman reported that she received notification that a settlement has been reached.

Laura Demman provided a report on the number and nature of natural gas consumer inquiries and complaints received during the previous month.

WEB AND TECHNOLOGY REPORT

Tyler Frost reported on the status of the electronic mail conversion. Tyler indicated that within the next 2-3 weeks the Commission's current electronic mail will be converted to the new state system. The current electronic addresses (user@mail.state.ne.us) will no longer be utilized, and the new electronic mail address naming convention will be firstname.lastname@psc.ne.gov. Old e-mail addresses will be forwarded to the new address for a defined period of time, allowing for the notification of necessary contacts, list serves, etc.

LEGISLATIVE REPORT

The staff updated the Commission on the following legislation: LB 247, 319, 341, 344, 373, 11CA, 417, 422, 425, 439, 458, 471, 492, 516, 585, 591, 680, 683, 741, 743, and 751. Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle motion to adopt the positions recommended by the staff. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting.

LEGISLATIVE REPORT (Cont.)

Angela Melton updated the Commission of legislative hearing dates.

GRAIN WAREHOUSE DEPARTMENT

GW-182        In the Matter of John A. Fecht, Director, Warehouse Depart-  
GWC-394        ment, Complainant v. Haveman Grain Co., Inc., Murray:  
              Motion made by Commissioner Anne Boyle, seconded by Commis-  
              sioner Frank Landis, to enter an order approving the stipulation and  
              dismissing the complaint. Motion passed with Commissioners Anne  
              Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commis-  
              sioner Lowell Johnson Excused Not Voting.

John Fecht informed the Commission that there is one grain warehouse license and six grain dealer licenses that have not been issued due to background checks.

TRANSPORTATION DEPARTMENT

B-1505        In the Matter of Abbott Transportation, Council Bluffs,  
Supp. 3        Iowa, seeking to extend its operations by the transporta-  
              tion of passengers and their baggage by sedan, vans and  
              buses between the facility of Abbott Parking in Omaha and Eppley  
              Airfield: Motion made by Commissioner Anne Boyle, seconded by Commis-  
              sioner Frank Landis, to enter an Order Nunc Pro Tunc, approving the  
              application. Motion passed with Commissioners Anne Boyle, Rod John-  
              son, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell  
              Johnson Excused Not Voting.

B-1554        In the Matter of DJW, Inc., dba Luxury Limousine Service,  
Supp. 3        Syracuse, seeking to extend the authority held by DJW,  
              Inc., dba Luxury Limousine Service, in Certificate B-1554,  
              Supplement 3. Commissioner Boyle presiding as Hearing Officer: A  
              video hearing was scheduled for March 24, 2005, at 9:00 a.m. in the  
              Commission Library, Lincoln; Nebraska State Office Building, 1313  
              Farnam, Room 207, Omaha; Public Library, Second Floor, 517 East 4th  
              Street, Hastings; and Von Reisen Library, Room 6, 1205 East 3rd  
              Street, McCook.

B-1632        In the Matter of Vicente Baro, dba Baro's Taxi Service,  
              Columbus, seeking revocation and cancellation of the common  
              carrier authority in Certificate B-1632: Motion made by Commissioner  
              Rod Johnson, seconded by Commissioner Frank Landis, to revoke the  
              authority held in B-1632. Motion passed with Commissioners Anne  
              Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commis-  
              sioner Lowell Johnson Excused Not Voting.

TRANSPORTATION DEPARTMENT (Cont.)

B-1641        In the Matter of VIP Limobus, LLC, Omaha, seeking to  
Supp. 1        acquire, through transfer, the authority granted to Ronald  
                D. Hippen, dba Royal Coach Lines, Beatrice, in Certificate  
B-1596: Motion made by Commissioner Anne Boyle, seconded by Commis-  
sioner Frank Landis, to grant the transfer in Certificate B-1641,  
Supplement 1, and to revoke the authority granted to Ronald D. Hippen,  
dba Royal Coach Lines, in B-1596. Motion passed with Commissioners  
Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Com-  
missioner Lowell Johnson Excused Not Voting.

B-1642        In the Matter of A-1 Transportation, LLC, Omaha, seeking to  
Supp. 1        acquire, through transfer, the authority granted to Yellow  
                Cab & Limo, Inc. in Certificate B-1434, Supplement 3:  
Motion made by Commissioner Frank Landis, seconded by Commissioner Rod  
Johnson, to grant the application in A-1 Transportation, LLC, Certifi-  
cate B-1642, Supplement 1, and revoke the authority granted to Yellow  
Cab & Limo, Inc. in Certificate B-1434, Supplement 3. Motion passed  
with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry  
Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting.

M-14186       In the Matter of Portable Storage of Nebraska, LLC, dba  
                PODS, Omaha, seeking to acquire, through transfer, the  
                authority granted to A-1 Movers of Lincoln, Inc. in Certi-  
ficate M-13766: Motion made by Commissioner Rod Johnson, seconded by  
Commissioner Anne Boyle, to grant the application of Portable Storage  
of Nebraska, LLC, dba PODS, Omaha, and revoke the authority granted to  
A-1 Movers of Lincoln, Inc., in Certificate M-13766. Motion passed  
with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry  
Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting.

MCC-3154/     In the Matter of Mark Breiner, Director, Motor Transporta-  
M-14110        tion Department, vs. Mike's Moving, Omaha. Commissioner  
                Landis presiding as Hearing Officer: A hearing was  
scheduled for March 8, 2005, at 1:30 in the Commission Hearing Room,  
Lincoln.

Rate Division

MR-930        In the Matter of Movers and Warehouse Division, Nebraska  
                Motor Carriers Association, Lincoln, seeking authority to  
establish a fuel surcharge in Nebraska Official Household Goods Tariff  
7-F: The fuel surcharge was retained at 34 cents per mile and the  
taxi surcharge increased to 45 cents per trip.

LR-251        In the Matter of A Class Act Limousine Service, Inc.,  
                Omaha, seeking to establish rates and charges: Motion made  
by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to  
grant the application. Motion passed with Commissioners Anne Boyle,  
Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner  
Lowell Johnson Excused Not Voting.

GENERAL ADMINISTRATION

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to approve the following invoices. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting.

DAS - Communications	\$2,131.95
DAS - Materiel - Copy Services	1,844.70
Health and Human Services Finance and Support	587.07

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The meeting adjourned at 10:54 a.m. with Commissioners Boyle, Rod Johnson, Landis and Vap present, and Commissioner Lowell Johnson Excused. The next regularly scheduled meeting will be held on February 8, 2005, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on February 7, 2005.

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Chairman

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Executive Director